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BK 1055PG0482

2368

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING DOCKET NO. VGOB 08/01/15-2115

ELECTIONS, UNIT: Banner 043201

(hereinafter "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

TAX MAP IDENTIFICATION NUMBERS FOR ALL
PARCELS AFFECTED BY THIS ORDER ARE SHOWN ON
EXHIBIT (S) WHICH IS/ARE ATTACHED
TO AND A PART OF THIS ORDER.

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on January 15, 2008, and recorded in Book 1025, Page 0435 at the Office of the Clerk of Circuit Court, Tazewell County, Virginia on April 2, 2008, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 *et seq.*, Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed Dart Oil & Gas Corporation, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated April 22, 2008, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;

- (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated February 3, 2009, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;
 - (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, N.A., VA 7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA 7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
 4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
 5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
 6. Effective Date: This Order shall be effective on the date of its execution.

BK 1055PG0484

DONE AND EXECUTED this 14th day of May, 2009 by
a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley Lambert, Chairman

DONE AND EXECUTED this 14th day of May, 2009 by
a majority of the Virginia Gas and Oil Board.

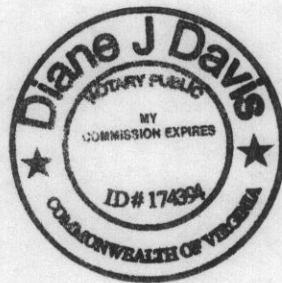
David E. Asbury, Jr.
David E. Asbury, Jr.
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged this 14th day of May, 2009,
personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley Lambert,
being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board and David E.
Asbury, Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia
Gas and Oil Board, that they executed same and were so authorized to do.

Diane J. Davis
Diane J. Davis, Notary, 174394

My Commission Expires September 30, 2009



VIRGINIA:***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Dart Oil and Gas Corporation, for Forced Pooling of Interests in Unit Number Banner 043201 VGOB Docket No. VGOB-08/01/15-2115 in the Clearfork Magisterial District of Tazewell County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on March 20, 2008, by the Virginia Gas and Oil Board regarding the captioned Conventional Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on April 2, 2008.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

Tracts
11 & 12

Lessor
Gap (WV) Exploration LLP
Attn: Richard A. Counts
1004 Collier Center Way Ste.206
Naples, FL 34110

Elected
Participate

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, as unknown or/unlocatable.

NONE

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

<u>Tract</u>	<u>Lessor</u>
5	James R. & Pamela K. Staples 2379 Falls Mills Rd. Bluefield, VA 24605
16	Timothy D. Price P.O. Box 68 Falls Mills, VA 24613-0068
18	Lisa A. White P.O. Box 186 Falls Mills, VA 24613-0186
	Michele L. Adams P.O. Box 186 Falls Mills, VA 24613-0186

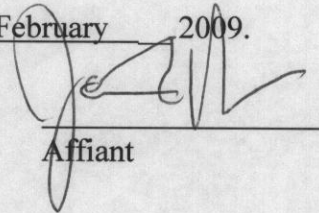
8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>Tract</u>	<u>Payee</u>	<u>Cash Consideration</u>
15	Roger & Crystal Driscoll Scaggs 209 James Henry Dr. Falls Mills, VA 24613	1.01 x \$5.00 = \$5.05
17	Sharon Shinault P.O. Box 186 Falls Mills, VA 24613	0.40 x \$5.00 = \$2.00

<u>Tract</u>	<u>Payee</u>	<u>Cash Consideration</u>
18	James Price Et Als P.O. Box 186 Falls Mills, VA 24613-0186	0.165 x \$5.00 = \$0.825
	Lois O'Donnell P.O. Box 186 Falls Mills, VA 24613-0186	0.165 x \$5.00 = \$0.825

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are not required in this matter pursuant to the terms of §§ 45.1-361.21.D.

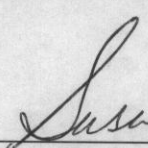
Dated at Kingsport, Tennessee, this 3rd day of February 2009.



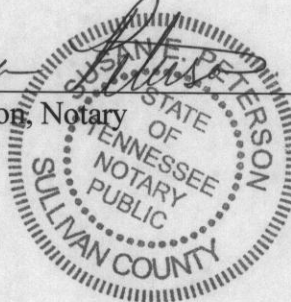
Affiant

County of Sullivan
State of Tennessee

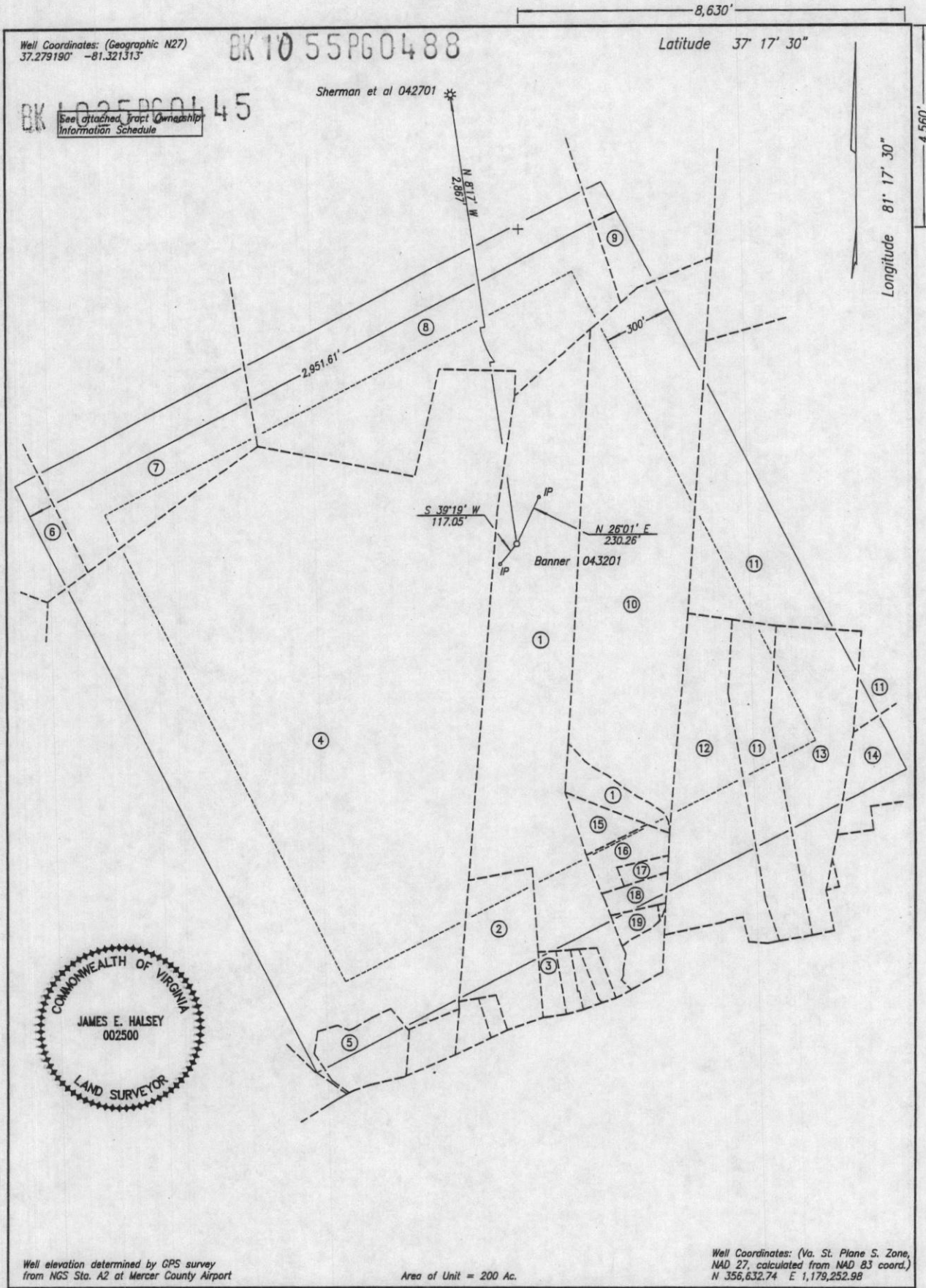
Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Dart Oil and Gas Corporation, a corporation, on behalf of the corporation, this 3rd day of February, 2009.



Susan Peterson, Notary



My commission expires: October 24, 2012.



COMPANY Dart Oil & Gas Corp. WELL NAME AND NUMBER Banner 043201
TRACT NO. Is. No. 0101-0074 ELEVATION 2,498.98' QUADRANGLE Bramwell
COUNTY Tazewell DISTRICT Clearfork SCALE 1" = 400' DATE 12-10-2007
This Plat is a new plat x; an updated plat ; or a final location plat
Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

James E. Halsey
Licensed Professional Engineer or Licensed Land Surveyor

Exhibit A

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BK 1055PG0489

Banner 043201 Plat
TRACT OWNERSHIP INFORMATION SCHEDULE
December 10, 2007

BK 1025PG0446

- Lease No. 0101-0074
Tax I.D. No. 013 A 0058 & 013 A 0060
George Haven & Delores A. Banner - Surface, Coal, Oil & Gas
36.4 Acres
Gas 23.95 Ac. 11.98% (Total)
- 2 Lease No.
Tax I.D. No. 013 A 0067
Bob C. & Mary Jane Artrip - Surface, Oil & Gas
4.6 Acres
Gas 3.40 Ac. 1.70%
- 3 Lease No.
Tax I.D. No. 013 A 0066
Timothy J. & Lynette F. Artrip - Surface, Oil & Gas
Acres
Gas 0.02 Ac. 0.01%
- 4 Lease No. 0101-0080
Tax I.D. No. 013 A 0071
Scott A. & Sandra B. Stephenson - Surface, Coal, Oil & Gas
106.96 Acres
Gas 82.43 Ac. 41.21%
- 5 Lease No.
Tax I.D. No. 013 A 0070A
James R. & Pamela K. Staples - Surface, Oil & Gas
2.48 Acres
Gas 1.10 Ac. 0.55%
- 6 Lease No. 0101-0011
Tax I.D. 013 A 0042
Sandra Mitchem - Surface, Oil, & Gas
79.73 Acres,
Gas 1.35 Ac. 0.67%
- 7 Lease No. 0101-0012
Tax I.D. No. 013 A 0045
Donald B., JR. & Anita Bennett - Surface, Oil & Gas
30.86 Acres
Gas 9.31 Ac. 4.65%
- 8 Lease No. 0101-0014
Tax I.D. No. 013 A 0057
Shirley Ann Mitchem - Surface, Oil & Gas
50 Acres
Gas 22.78 Ac. 11.39%
- 9 Lease No. 0101-0016
Tax I.D. No. 013 A 0054
John P. Coburn - Surface, Oil & Gas
17 Acres
Gas 1.48 Ac. 0.74%
- 10 Lease No. 0101-0423
Tax I.D. No. 013 A 0059
William Timothy & Jean Evelyn Jarrett- Surface, Coal, Oil & Gas
25 Acres
Gas 23.83 Ac. 11.91%

Exhibit A-1

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BK 1025PG0447

- 11 Lease No.
Tax I.D. No. 014 A 0008 & 014 A 0009
Mr. & Mrs. Robert C. Buckland - Surface, Oil & Gas
58.12 Acres
Gas 12.27 Ac. 6.14% (Total)
- 12 Lease No.
Tax I.D. No. 014 A 0009A
Robert Cecil Buckland, Jr. - Surface, Oil & Gas
9.75 Acres
Gas 7.14 Ac. 3.57%
- 13 Lease No.
Tax I.D. No. 014 A 0010
Janice Imogene Buckland Wellman - Surface, Oil & Gas
8.3 Acres
Gas 6.24 Ac. 3.12%
- 14 Lease No.
Tax I.D. No. 014 A 0023
Michael L. & Kathy L. Walk - Surface, Oil & Gas
8.57 Acres
Gas 1.36 Ac. 0.68%
- 15 Lease No.
Tax I.D. No. 013A 0061C
Roger & Crystal Driscoll Scaggs - Surface, Oil & Gas
1 Acre
Gas 1.01 Ac. 0.51%
- 16 Lease No.
Tax I. D. No. 013 A 0061B & 013 A 0061E
Timothy D. Price - Surface, Oil & Gas
1.23 Acres
Gas 1.25 Ac. 0.63%
- 17 Lease No.
Tax I.D. No. 013 A 0061A
Sharon Shinault - Surface, Oil & Gas
0.4 Acres
Gas 0.40 Ac. 0.20%
- 18 Lease No.
Tax I.D. No. 013 A 0061F
James Price, et als - Surface, Oil & Gas
0.74 Acres
Gas 0.66 Ac. 0.33%
- 19 Lease No.
Tax I.D. No. 013 A 0062
Darrell W. & Melissa F. Price- Surface, Oil & Gas
0.744 Acres
Gas 0.02 Ac. 0.01%

Exhibit A-1
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Exhibit "B"
Well No.: Banner 043201
(Revised 02/03/09)

<u>Oil, Gas & Coal</u>				
<u>Tract</u>	<u>Lessor</u>	<u>Lease Status</u>	<u>Interest Within Unit</u>	<u>Gross Acreage In Unit</u>
1	Delores A Banner P.O. Box 148 Falls Mills, Va 24613	Leased	11.98%	23.95
2	Bob C. & Mary Jane Artrip 14461 Mud Fork Rd. Falls Mills, Va 24613	Leased	1.70%	3.40
3	Timothy J. & Lynette F. Artrip 14479 Mud Fork Rd. Falls Mills, Va 24613	Leased	0.01%	0.02
4	Scott A. & Sandra B. Stephenson P. O. Box 185 Bluefield, Va 24605	Leased	41.21%	82.43
5	James R. & Pamela K. Staples 2379 Falls Mills Rd. Bluefield, Va 24605	Leased	0.55%	1.10
6	Sandra Mitchem 1182 Big Branch Rd. Bluefield, Va 24605	Leased	0.67%	1.35
7	Donald B., Jr. & Anita Bennett 1085 Big Branch Rd. Bluefield, Va 24605	Leased	4.65%	9.31
8	Shirley Ann Mitchem 231 Safari Dr. Bluefield, Va 24605	Leased	11.39%	22.78
9	John P. Coburn Rt 1 Box 333 Bluefield, Wv 24701	Leased	0.74%	1.48
10	William Timothy & Jean Evelyn Jarrett P.O. Box 102 Falls Mills, Va 24613	Leased	11.91%	23.83
11	Mr. & Mrs. Robert C. Buckland Rr 3, Box 203 Falls Mills, Va 24613	*Unleased	6.14%	12.27

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Exhibit "B"
Well No.: Banner 043201
 (Revised 01/17/08)

Oil, Gas & Coal

<u>Tract</u>	<u>Lessor</u>	<u>Lease Status</u>	<u>Interest Within Unit</u>	<u>Gross Acreage In Unit</u>
12	Robert Cecil Buckland, Jr 127 Hideaway Lane Moneta, Va 24121	*Unleased	3.57%	7.14
19	*Gap Exploration, LLLP 1004 Collier Center Way Suite 206 Naples, FL 34110 Oil & Gas Lessee	Leased	0.01%	0.02
13	Janice Imogene Buckland Wellman Rr 3 Box 203 Falls Mills, Va 24613	Leased	3.12%	6.24
14	Michael L. & Kathy L. Walk Rr 3, Box 500 Bluefield, Va 24605	Leased	0.68%	1.36
15	Roger & Crystal Driscoll Scaggs 209 James Henry Dr. Falls Mills, Va 24613	Unleased	0.51%	1.01
16	Timothy D. Price PO Box 68 Falls Mills, Va 24613-0068	Leased	0.63%	1.25
17	Sharon Shinault P.O. Box 186 Falls Mills, Va 24613	Unleased	0.20%	0.40
18			0.33%	0.66
	James Price, Et Als P. O. Box 186 Falls Mills, Va 24613-0186	Unleased	0.0825%	0.165
	Lois O'Donnell P. O. Box 186 Falls Mills, Va 24613-0186	Unleased	0.0825%	0.165
	Lisa A. White P. O. Box 186 Falls Mills, Va 24613-0186	Leased	0.0825%	0.165

Exhibit "B"
Well No.: Banner 043201
(Revised 01/17/08)

Oil, Gas & Coal

<u>Tract</u>	<u>Lessor</u>	<u>Lease Status</u>	<u>Interest Within Unit</u>	<u>Gross Acreage In Unit</u>
	Michele L. Adams P. O. Box 186 Falls Mills, Va 24613-0186	Leased	0.0825%	0.165
19	Darrell W. & Melissa F. Price P.O. Box 283 Falls Mills, Va 24613	Leased	0.01%	0.02
<hr/>			100%	200
Percentage of Unit Leased			89.415%	
Percentage of Unit Unleased			10.585%	
Acreage in Unit Leased				178.85
Acreage in Unit Unleased				21.15

INSTRUMENT #090002368
RECORDED IN THE CLERK'S OFFICE OF
TAEWELL COUNTY ON
JUNE 16, 2009 AT 11:16AM
Caroly D. Joyce
JAMES E. BLEVINS, CLERK
RECORDED BY: DJJ